

MEETING W/ CONGRESSWOMAN BOEBERT
9.7.22

EVENT DATE: 9.7.22

TIME: 9 AM Mountain

LOCATION: Zoom meeting

STAFFING:

- KC Becker
- Congresswoman Boebert
- Chris Fernandez, Legislative Director
- Kelly Watkins

PURPOSE OF MEETING AND LAST INTERACTION

- First introduction to Rep. Boebert
- Opportunity for KC and Kelly to introduce themselves and begin establishing a working relationship

TOP FOUR MESSAGES to DELIVER

- After previous presidents talked about “infrastructure week” with no action, President Biden brought Republicans, Democrats, and Independents together to pass the Bipartisan Infrastructure Law, ushering in an “Infrastructure Decade.” The Bipartisan Infrastructure Law is delivering better roads, cleaner drinking water, and faster & more affordable internet. And, the Bipartisan Infrastructure Law is creating good-paying jobs that don’t require a college degree, providing more opportunities for working- and middle-class families for years to come. President Biden and Congressional Democrats are making sure the Bipartisan Infrastructure Law will bring back manufacturing jobs to the US. This law requires funds be used to buy American steel and other products made by American workers to ensure our supply chains are housed here at home rather than outsourced abroad.
- EPA regulations for the oil and natural gas industry help combat climate change and reduce air pollution that harms public health.
- EPA is committed to a strong partnership with the agricultural community to assist in fulfilling our mission of protecting human health and the environment.
- We seek to incorporate environmental justice into all aspects of our work, from permitting to enforcement, and regulatory activities.

TOP ISSUES OR TOPICS

Colorado Smelter

- Residential sampling and cleanup – Operable Unit 1
 - Anticipate being finished with sampling spring 2023 and cleanup fall 2023.
 - Soil sampling: 99% complete
 - Dust sampling: 69% complete

- Soil cleanup: 86% complete
 - Dust cleanup: 57% complete
- Residential ICs – Operable Unit 1
 - EPA, CDPHE and the City are working on Institutional Controls for residential properties in the superfund site. They would apply to properties that:
 - Have not had soil sampled and/or cleaned up;
 - Have contamination remaining at depth in soil.
 - The IC would come into action when homeowners request a permit to excavate over five cubic yards of soil
- Commercial properties – Operable Unit 1
 - Sampling and cleanup is scheduled to begin after residential cleanups have been completed. Residential properties have been prioritized due to heightened exposure in residential areas.
- Former Smelter Area – Operable Unit 2
 - Sampling
 - Data collection is planned for 2022 – 2024 using funding that was redirected after IJA funding supported other sites.
 - Enforcement Investigation
 - EPA’s enforcement investigation is ongoing.
 - EPA has perfected Superfund Liens on 6 commercial/industrial parcels within OU2 that are listed for sale. EPA is working with the two property owners that own these parcels to resolve liability and subsequently release the liens.
 - Reuse
 - EPA received a reuse seed from headquarters to fund community discussions about future uses for OU2, recognizing that OU2 is comprised of private properties.
- Lead pilot
 - Colorado Smelter is the lead pilot within Region 8 to bring together resources and work on an intergovernmental approach to lead reduction.
 - Local health department had to return HUD grant funds due to strict grant rules and high costs for lead cleanup per home.

Bonita Peak Mining District (BPMD)

- The Bonita Peak Mining District Superfund Site (BPMD) is located in San Juan County, CO near Silverton. It includes 48 historic mining source areas across 140 square miles covering the Upper Animas, Cement Creek, and Mineral Creek drainages. The USFS and BLM manage land within the BPMD and coordinate with EPA on the remediation at the site.
- The BPMD site became a Superfund site in 2016 after the Gold King Mine release on August 5, 2015.

- EPA has been treating the Gold King Mine discharge since the 2015 release. This treatment occurs at the Gladstone Interim Water Treatment Plant where it discharges into Cement Creek, thereby improving water quality in Cement Creek.
- EPA and DOJ recently reached a \$90 million settlement with Sunnyside Gold Corporation (SGC). Pursuant to the Settlement SGC paid \$45 million and the United States contributed an additional \$45 million. EPA received the bulk of these funds, and the remainder was distributed to the USFS and BLM. EPA will use these funds to fund future remediation work at BPMD.
- EPA and DOJ also recently settled Gold King Mine litigation with New Mexico and the Navajo Nation. DOJ agreed to pay \$32M to NM and \$31M to the Navajo Nation to resolve their claims against the United States.
 - The United States has settled all lawsuits against it with the exception of individual tort plaintiffs. By law, DOJ has exclusive control over the settlement of those claims. Trial on the remaining claims is anticipated for early 2023.
- Todd Hennis, owner of the Gladstone property where EPA constructed an interim water treatment plant to treat water from the Gold King Mine, filed a takings claim against EPA for EPA's use of the Gladstone property and for alleged damage to the property from the Gold King Mine release. A closely-held LLC associated with Mr. Hennis owns the Gold King Mine. On August 30, 2022, the United States' motions to dismiss was denied. The United States will now file an answer by September 29, 2022. From 2015 through January 2021, Mr. Hennis provided his written consent for EPA to access the property. EPA also offered to lease the property on several occasions.
- EPA coordinates closely with the Silverton Planning Group including San Juan County, as well as the BPMD Community Advisory Group which includes water users and environmental groups between Silverton, Durango, and Farmington, NM through monthly meetings. EPA also coordinates with the Southern Ute Indian Tribe via monthly calls.
- EPA has initiated stabilization and cleanup efforts at 23 of the 48 source areas through a 2019 Interim Record of Decision and plans to construct a long term mine waste repository at the Mayflower Tailings Impoundments in 2023 which will allow for permanent storage of Gladstone water treatment plant sludge and mine waste across the BPMD.

Clean School Buses

Background

- The Bipartisan Infrastructure Law provides \$5 billion over 5 years (FY2022-2026) for the replacement of the nation's school buses with zero emission and low emission school buses.
- The first funding opportunity of \$500 million, in the form of a rebate program was open from May 20, 2022 through August 19, 2022.
- The program received a great deal of interest nationally.
- EPA will review the applications and begin the selection process in September of 2022 and applicants will be notified of their selection status in October of 2022.

Talking Points

- EPA will launch a grant competition later this year and additional rebate programs in subsequent years. Information on these future funding opportunities will be shared when it becomes available.

NEPA – Oil and Gas

- Grand Junction – The Bureau of Land Management (BLM) Grand Junction Field Office Resource Management Plan (RMP) will be reevaluated due to litigation to consider a range of mineral extraction potentials. This reevaluation will determine where it is appropriate for BLM to offer lands for mineral resource extraction. The neighboring Colorado River Valley planning area is also part of the litigation and supplemental environmental review.
- Pueblo - Pueblo will be affected by the finalization of the Eastern Colorado RMP. This RMP consolidates previous field offices/planning areas into a larger planning area including Colorado east of the front range and the South Park Planning area. This RMP also includes existing oil and gas fields south of Pueblo near Trinidad. This RMP will establish management direction for resources, including fluid minerals, in eastern Colorado and potential new oil and gas development in the South Park area. We are in anticipation of the final EIS and RMP.

Colorado Earmarks: “Congressional Direct Spending”

Key Messages for KC

- Seven communities in Colorado will receive direct water infrastructure assistance from congressional earmarks, totaling nearly \$7M.
- The 3rd District communities benefitting are Hotchkiss (\$91k) and La Veta (\$600k).
- EPA Regions will continue to be in direct contact with these communities as more guidance is finalized. Until then, communities can find grant planning instructions, tutorials, and FAQs on the [[HYPERLINK "https://www.epa.gov/sustainable-water-infrastructure/epa-community-grants"](https://www.epa.gov/sustainable-water-infrastructure/epa-community-grants)] webpage.

Background

- Earmarked projects in Colorado: Hotchkiss, water treatment plant upgrade (\$91k); La Veta, water treatment plant (\$600k); Minturn, Water Tank SRF Replacement (\$1M); Walden, water system old valve replacement (\$90k); Craig, drinking water and wastewater emergency generators (\$1M); Dove Creek, Big Canyon Water Line (\$1.7M); Rico, central sewer system (\$2.5M).

Grand Valley TMDL (Total Maximum Daily Load)

Key Messages for KC

- EPA understands that stakeholders had concerns regarding how selenium pollution was addressed in the Grand Valley TMDL and that CDPHE toured the watershed with the stakeholders to understand their concerns.
- Once CDPHE has finalized the TMDL, the agency will submit the document to EPA for review.

Background:

- The Grand Valley TMDL addresses iron, *E. coli* and selenium impairments on 11 tributaries to the Colorado River in watersheds mixed with urban and agricultural land uses.
- A 2021 draft TMDL was appealed by stakeholders under state procedures with a request to obtain more data regarding the sources of selenium.
- CDPHE revised the TMDL analysis which now shows that irrigated agriculture has a greater influence on selenium water quality than municipal sources.
- Due to continued concerns with the revised TMDL, CDPHE conducted extensive public outreach and toured the watershed.
- We anticipate receiving the revised TMDL in October 2022 and believe that it is likely approvable.

Salt Creek Community

Messages for KC to use in the meeting

- The Natural Resources and Environmental Law Clinic of the University of Colorado Law School's (NREL's) raised concerns with the EVRAZ Rocky Mountain Steel discharge permit in a May 12, 2022, letter to CDPHE's Water Quality Control Division.
- Concerns include:
 - The quality of water in Salt Creek,
 - The fact that the discharge permit does not protect the water quality standards in Salt Creek,
 - The impacts on the Salt Creek Community, and
 - Environmental justice concerns.
- EPA has discussed these concerns with CDPHE and is evaluating the issue.

Background

- CDPHE authorizes EVRAZ, a steel mill, to discharge wastewater generated by the facility into Salt Creek under a National Pollutant Discharge Elimination System (NPDES) permit. EVRAZ discharges from a north mill, south mill, and domestic treatment system into Salt Creek.
- Harsco Metals and Minerals abuts a small portion of Salt Creek and is adjacent to EVRAZ. EPA is not aware of any discharge of industrial process wastewater from Harsco. Harsco does not have a stormwater permit.

- The Bessemer Ditch generally runs west to east through the EVRAZ site and along the southern edge of Harsco. The ditch appears to be an open ditch with a concrete liner. The St. Charles Mesa Water District has a drinking water intake on the Bessemer Ditch approximately one mile downstream from EVRAZ and Harsco.
- The current NPDES permit for EVRAZ was issued by CDPHE in 2011 and has been administratively extended since March 31, 2016. Except for technology-based domestic treatment limits from the domestic treatment system, the NPDES permit does not regulate discharges into the immediate receiving water, Salt Creek, but rather regulates the discharge as it flows from Salt Creek into the Arkansas River. The compliance point is located after the second of two treatment ponds (formal gravel pits) at the terminal point of Salt Creek just before it enters the Arkansas River (1 to 2 miles downstream from the discharges into Salt Creek). Salt Creek has EPA-approved water quality standards that are not considered in the current permit.

Environmental Justice MOU

- On March 8, EPA and CDPHE entered into an MOU on advancing environmental justice through enforcement and compliance assurance efforts in disproportionately impacted communities.
- The MOU focuses on three areas: 1) strategic targeting of inspections, 2) coordinated enforcement and compliance assurance to better address impacts on communities, and 3) enhanced community engagement.
- In May, EPA and CDPHE held community engagement sessions for Pueblo and Commerce City-North Denver to seek feedback to inform the development of an annual MOU workplan.
- EPA and CDPHE are finalizing our draft workplan now with a goal of issuing the workplan for public comment in September.

KEY SPONSORED LEGISLATION

1. **BILL**
 1. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8601?s=2&r=1"](https://www.congress.gov/bill/117th-congress/house-bill/8601?s=2&r=1)] — 117th Congress (2021-2022) **Dolores River National Conservation Area and Special Management Area Act** **Sponsor:** [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825)] (Introduced 07/29/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8601/cosponsors?s=2&r=1&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8601/cosponsors?s=2&r=1&overview=closed)] \ "tabs")) **Committees:** House - Natural Resources **Latest Action:** House - 07/29/2022 Referred to the House Committee on Natural Resources. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8601/all-actions?s=2&r=1&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8601/all-actions?s=2&r=1&overview=closed)] \ "tabs")) **Tracker:**

2. **BILL**

2. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8374?s=2&r=2"](https://www.congress.gov/bill/117th-congress/house-bill/8374?s=2&r=2)] — 117th Congress (2021-2022)**Shall Not Be Infringed**
ActSponsor: [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 07/14/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8374/cosponsors?s=2&r=2&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8374/cosponsors?s=2&r=2&overview=closed) \l "tabs"]) **Committees:** House - Judiciary; Energy and Commerce; Education and Labor; Oversight and Reform; Transportation and Infrastructure; Budget; Ways and Means; Homeland Security **Latest Action:** House - 07/15/2022 Referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8374/all-actions?s=2&r=2&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8374/all-actions?s=2&r=2&overview=closed) \l "tabs"]) **Tracker:**

3. **BILL**

3. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8263?s=2&r=3"](https://www.congress.gov/bill/117th-congress/house-bill/8263?s=2&r=3)] — 117th Congress (2021-2022)**Protecting Life on Federal Lands**
ActSponsor: [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 07/01/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8263/cosponsors?s=2&r=3&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8263/cosponsors?s=2&r=3&overview=closed) \l "tabs"]) **Committees:** House - Transportation and Infrastructure **Latest Action:** House - 07/05/2022 Referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8263/all-actions?s=2&r=3&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8263/all-actions?s=2&r=3&overview=closed) \l "tabs"]) **Tracker:**

4. **BILL**

4. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8224?s=2&r=4"](https://www.congress.gov/bill/117th-congress/house-bill/8224?s=2&r=4)] — 117th Congress (2021-2022)**Fueling American Prosperity**
ActSponsor: [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 06/24/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8224/cosponsors?s=2&r=4&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8224/cosponsors?s=2&r=4&overview=closed) \l "tabs"]) **Committees:** House - Natural Resources **Latest Action:** House - 06/24/2022 Referred to the House Committee on Natural Resources. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8224/all-actions?s=2&r=4&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8224/all-actions?s=2&r=4&overview=closed) \l "tabs"]) **Tracker:**

5. **BILL**

5. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8030?s=2&r=5"](https://www.congress.gov/bill/117th-congress/house-bill/8030?s=2&r=5)] — 117th Congress (2021-2022)**Fentanyl is a WMD Act****Sponsor:** [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 06/13/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8030/cosponsors?s=2&r=5&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8030/cosponsors?s=2&r=5&overview=closed) \l "tabs"]) **Committees:** House - Homeland Security**Latest Action:** House - 06/14/2022 Referred to the Subcommittee on Emergency Preparedness, Response, and Recovery. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/8030/all-actions?s=2&r=5&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/8030/all-actions?s=2&r=5&overview=closed) \l "tabs"]) **Tracker:**

6. BILL

6. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7999?s=2&r=6"](https://www.congress.gov/bill/117th-congress/house-bill/7999?s=2&r=6)] — 117th Congress (2021-2022)**No Transferring GITMO Terrorists to America Act of 2022****Sponsor:** [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 06/09/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7999/cosponsors?s=2&r=6&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/7999/cosponsors?s=2&r=6&overview=closed) \l "tabs"]) **Committees:** House - Armed Services**Latest Action:** House - 06/09/2022 Referred to the House Committee on Armed Services. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7999/all-actions?s=2&r=6&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/7999/all-actions?s=2&r=6&overview=closed) \l "tabs"]) **Tracker:**

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7. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7766?s=2&r=7"](https://www.congress.gov/bill/117th-congress/house-bill/7766?s=2&r=7)] — 117th Congress (2021-2022)**Trust the Science Act****Sponsor:** [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 05/13/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7766/cosponsors?s=2&r=7&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/7766/cosponsors?s=2&r=7&overview=closed) \l "tabs"]) **Committees:** House - Natural Resources**Latest Action:** House - 05/13/2022 Referred to the House Committee on Natural Resources. ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7766/all-actions?s=2&r=7&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/7766/all-actions?s=2&r=7&overview=closed) \l "tabs"]) **Tracker:**

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8. [[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7641?s=2&r=8"](https://www.congress.gov/bill/117th-congress/house-bill/7641?s=2&r=8)] — 117th Congress (2021-2022)**Protecting Free Speech Act****Sponsor:** [[HYPERLINK "https://www.congress.gov/member/lauren-boebert/B000825"](https://www.congress.gov/member/lauren-boebert/B000825) \t "_blank"] (Introduced 05/03/2022) **Cosponsors:** ([[HYPERLINK "https://www.congress.gov/bill/117th-congress/house-bill/7641/cosponsors?s=2&r=8&overview=closed"](https://www.congress.gov/bill/117th-congress/house-bill/7641/cosponsors?s=2&r=8&overview=closed) \l "tabs"]) **Tracker:**

bill/7641/cosponsors?s=2&r=8&overview=closed" \l "tabs"])**Committees:** House - Homeland Security**Latest Action:** House - 05/03/2022 Referred to the Subcommittee on Oversight, Management, and Accountability. ([[\)**Tracker:**](https://www.congress.gov/bill/117th-congress/house-bill/7641/all-actions?s=2&r=8&overview=closed)

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9. ([[Securing Americans from Transportation Insanity Act**Sponsor:** \(\[\[Cosponsors: \\(\\[\\[Committees: House - Homeland Security**Latest Action:** House - 04/22/2022 Referred to the Subcommittee on Border Security, Facilitation, and Operations. \\\(\\\[\\]\\(https://www.congress.gov/bill/117th-congress/house-bill/7548/cosponsors?s=2&r=9&overview=closed\\)\]\(https://www.congress.gov/member/lauren-boebert/B000825\)](https://www.congress.gov/bill/117th-congress/house-bill/7548?s=2&r=9)

COMMITTEE ASSIGNMENTS:

Lauren serves on the Committee on Natural Resources and the Committee on the Budget. She serves on the Subcommittee on Indigenous Peoples of the United States and the Subcommittee on Water, Oceans and Wildlife.

BIOGRAPHY



Lauren Opal Boebert is an ([

in Congress. Boebert owns Shooters Grill, a restaurant in [HYPERLINK "https://en.wikipedia.org/wiki/Rifle,_Colorado" \o "Rifle, Colorado"], where staff members are encouraged to [HYPERLINK "https://en.wikipedia.org/wiki/Open_carry_in_the_United_States" \o "Open carry in the United States"] firearms. She ran as a [HYPERLINK "https://en.wikipedia.org/wiki/Republican_Party_(United_States)" \o "Republican Party (United States)"] for [HYPERLINK "https://en.wikipedia.org/wiki/Colorado%27s_3rd_congressional_district" \o "Colorado's 3rd congressional district"] in [HYPERLINK "https://en.wikipedia.org/wiki/2020_United_States_House_of_Representatives_elections_in_Colorado" \o "2020 United States House of Representatives elections in Colorado"], and defeated incumbent congressman [HYPERLINK "https://en.wikipedia.org/wiki/Scott_Tipton" \o "Scott Tipton"] in the primary election. Boebert defeated the Democratic nominee, former state house member [HYPERLINK "https://en.wikipedia.org/wiki/Diane_Mitsch_Bush" \o "Diane Mitsch Bush"], in the general election.